

STATE OF MICHIGAN

IN THE SUPREME COURT

(On Appeal from the Michigan Court of Appeals and
the Circuit Court for the County of Oakland)

BRIAN J. PERRY,

Plaintiff-Appellee,

vs.

Supreme Court No: 129943

COA No: 254121

L.C. No: 03-053489-NI

GOLLING CHRYSLER PLYMOUTH
JEEP, INC., a Michigan Corporation,

Defendant-Appellant.

SULLIVAN, WARD, ASHER & PATTON, P.C.

129943

ERRATA TO
DEFENDANT-APPELLANT GOLLING CHRYSLER PLYMOUTH JEEP, INC.'S
APPLICATION FOR LEAVE TO APPEAL

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ARGUMENT I

DEFENDANT GOLLING CANNOT BE HELD LIABLE UNDER THE OWNERSHIP LIABILITY STATUTE WHERE OWNERSHIP OF THE SUBJECT MOTOR VEHICLE EFFECTIVELY TRANSFERRED TO KSENIA NICHOLS UPON THE EXECUTION OF THE APPLICATION OF TITLE BY THE PARTIES' SIGNATURES.

A. Standard of Review.

Defendant moved for summary disposition under MCR 2.116(C)(7) (release) and (10). Under either rule, the standard of review is very similar. See Maiden v Rozwood, 461 Mich 109, 119-120; 597 NW2d 817 (1999). A party may support its MCR 2.116(C)(7) motion with affidavits, depositions, admissions, or other documentary evidence, but is not required to do so. Maiden, supra at 119; MCR 2.116(G)(2). A motion for summary disposition under MCR 2.116(C)(10) tests the factual sufficiency of the complaint and must be supported by evidence. MCR 2.116(G)(3); Maiden, supra at 120.

The appellate Court reviews a trial court's decision on a motion for summary disposition pursuant to MCR 2.116(C)(7) and (C)(10) de novo to determine whether the moving party was entitled to judgment as a matter of law. Rinas v Mercer, 259 Mich App 63, 67; 672 NW2d 542 (2003); Spiek v Dep't of Transportation, 456 Mich 331, 337; 572 NW2d 201 (1998).

B. Controlling Standards of Statutory Construction.

Statutory language should be construed reasonably, keeping in mind the purpose of the act. People v Spann, 250 Mich App 527, 530; 655 NW2d 251 (2002). If reasonable minds can differ as to the meaning of a statute, judicial construction is appropriate. People v Warren, 462 Mich 415, 427; 615 NW2d 691 (2000).